GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department - Allegations of acquiring the assets disproportionate to the known sources of income against Sri B.Durga Prasad, former MEO, PR, G.Sigadam, Srikakulam District – Suspended – Reinstated into service - Acquitted by the Spl. Judge for ACB Cases, Visakhapatnam in CC No.21/2005 – Further action dropped - Orders of Hon'ble APAT in O.A.No.5585/2009 - Suspension period treated as "ON DUTY" - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT(VIG.I) DEPARTMENT

G.O.RT.No. 71 **Dated: 27-01-2016**

Read the following:-

1. From the DG, ACB, Lr.Rc.No.201/RCA-VSK/2001-S,12, dt.08.02.2002.
2. From the DG, ACB, Lr.Rc.No.201/RCA-VSK/2001-S,12, dt.26.11.2004.
3. G.O.Ms.No.106, PR&RD (Vig.II) Department, Dt.01.04.2005.
4. Procgs. No.Vig.III(4)/6358/2002, Dt.26.04.2006 of ENC, PR, A.P., Hyd.
5. G.O.Rt.No.839, PR&RD(Vig.II) Department, Dt.12.06.2007.
6. Orders of Hon'ble APAT in O.A.No.5585/2009, Dt.11.09.2009.
7. Orders of Hon'ble of APHC in WP No.14239/2010, Dt.05.07.2012.
8. Judgment copy in CC No.21/2005 of Spl. Judge for ACB Cases, Visakhapatnam received from the DG, ACB, Hyd.
9. G.O.Rt.No.260, PR&RD(Vig.I) Department, Dt.13.03.2015.

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ORDER:-

It was brought to the notice of the Government that a case was registered on 11.12.2001 by the Investigating Authority (ACB) against Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District on the allegations of possession of assets disproportionate to the known sources of income. The Director General, Anti Corruption Bureau has submitted his final report and recommended to prosecute the AO in Court of Law u/s 13(2) r/w 13(1)(e) of PC Act, 1988, vide reference 2nd read above.

2. After careful examination of the matter, sanction was accorded to prosecute the AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District in a Court of Law vide reference 3rd read above. The Director General, Anti Corruption Bureau has filed the charge sheet before the Special Judge for ACB Cases, Visakhapatnam.

3. The AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District was placed under suspension, vide reference 4th read above. The AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District was reinstated into service, without prejudice to the criminal case and charges pending against him, as per the orders of the Andhra Pradesh Administrative Tribunal in OA No.3704/2006, dt.8.10.2006 vide reference 5th read above.

-PTO-

4. The AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District has filed OA No.5585/09 for seeking directions for release of increments during his suspension period from 8.5.2006 to 25.6.2007. The Hon'ble Andhra Pradesh Administrative Tribunal has delivered judgment, Dt.11.9.2009 in OA No.5585/09, as follows:

> "*Therefore, the OA is allowed and the impugned orders are set aside. The respondents are directed to release the increments of the applicant during the suspension period from 8.5.2006 to 25.6.2007 and also grant the revised pay scales as applicable".*

5. As per the directions of the Government, the Engineer in Chief, Panchayat Raj has filed Writ Petition No.14239/2010 before Hon'ble Andhra Pradesh High Court against the orders of the Hon'ble Tribunal in O.A.No.5585/09, Dt.11.09.2009. The Hon'ble Andhra Pradesh High Court has delivered judgment dt.05.07.2012 in WP No.14239/2010, as follows:

> *"…the order of the Tribunal, impugned herein is based on the earlier judgment of this court dated.4.11.2004 in WP No.6617/2004 against which no challenge is presented in this writ petition, this Court finds no error in the application of law or exercise of discretion by the Tribunal, warranting interference under Article 226 of the constitution".*
>
> *"The Writ Petition is without merits and is accordingly dismissed at the stage of admission".*

6. As per the directions of Government, the Engineer in Chief, Panchayat Raj has filed a SLP before Hon'ble Supreme Court against the orders of the Hon'ble Andhra Pradesh High Court in WP No.14239/2010 dt.5.7.2012. The Hon'ble Apex Court has pronounced orders dt.4.7.2011 in SLP(C) No.CC.8782/2011, as follows:

> *"The Special Leave Petition is dismissed on the ground of delay".*

7. The AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District was acquitted by the Spl. Judge for ACB Cases, Visakhapatnam in CC No.21/2005, Dated:14.05.2014, vide reference 8th read above.

8. Government, in the reference 9th read above, have dropped further action against Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District, since, the AO was acquitted by the Spl. Judge for ACB Cases, Visakhapatnam in CC No.21/2005.

9. Government, after careful examination of the matter, have decided and accordingly hereby order that the suspension period from 8.5.2006 to 25.6.2007 of AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District shall be treated as "ON DUTY" and the pay and allowances shall be paid the pay and allowances for the suspension period and the AO Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District shall be granted the increments during the suspension period and revised pay scales applicable, as per the orders, Dt.11.09.2009 of Hon'ble APAT in O.A.No.5585/2009.

(Contd.….)

10. The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT(PR)

To

Sri B.Durga Prasad, former Mandal Engineering Officer, Panchayat Raj, G.Sigadam, Srikakulam District through Engineer in Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.

The Engineer in Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.

Copy to:

The Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.

The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.

The Panchayat Raj & Rural Development (Estt.I) Department.

Sf/Sc.

//FORWARDED::BY::ORDER//

SECTION OFFICER